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10 Attorneys for Plaintiff
11 Steve Florreich

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13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA**

15 STEVE FLORREICH,) Case No.: 2:20-cv-00727-AC
16 Plaintiff,)
17 vs.) STIPULATION AND PROPOSED
18 ANDREW SAUL,) ORDER FOR THE AWARD AND
19 Commissioner of Social Security,) PAYMENT OF ATTORNEY FEES
20 Defendant.) AND EXPENSES PURSUANT TO
21) THE EQUAL ACCESS TO JUSTICE
22) ACT, 28 U.S.C. § 2412(d) AND
23) COSTS PURSUANT TO 28 U.S.C. §
24) 1920
25)
26)

17 TO THE HONORABLE ALLISON CLAIRE, MAGISTRATE JUDGE OF
18 THE DISTRICT COURT:

19 IT IS HEREBY STIPULATED, by and between the parties through their
20 undersigned counsel, subject to the approval of the Court, that Steve Florreich be
21 awarded attorney fees in the amount of One Thousand,One Hundred dollars
22 (\$1,100.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).
23 This amount represents compensation for all legal services rendered on behalf of
24 Plaintiff by counsel in connection with this civil action, in accordance with 28
25 U.S.C. §§ 1920; 2412(d).
26

1 After the Court issues an order for EAJA fees to Steve Florreich, the
2 government will consider the matter of Steve Florreich's assignment of EAJA fees
3 to Marc V. Kalagian. The retainer agreement containing the assignment is
4 attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010),
5 the ability to honor the assignment will depend on whether the fees are subject to
6 any offset allowed under the United States Department of the Treasury's Offset
7 Program. After the order for EAJA fees is entered, the government will determine
8 whether they are subject to any offset.

9 Fees shall be made payable to Steve Florreich, but if the Department of the
10 Treasury determines that Steve Florreich does not owe a federal debt, then the
11 government shall cause the payment of fees, expenses and costs to be made
12 directly to Law Offices of Rohlfing & Kalagian, LLP, pursuant to the assignment
13 executed by Steve Florreich.¹ Any payments made shall be delivered to Marc V.
14 Kalagian.

15 This stipulation constitutes a compromise settlement of Steve Florreich's
16 request for EAJA attorney fees, and does not constitute an admission of liability on
17 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount
18 shall constitute a complete release from, and bar to, any and all claims that Steve
19 Florreich and/or Marc V. Kalagian including Law Offices of Rohlfing & Kalagian,
20 LLP may have relating to EAJA attorney fees in connection with this action.

21 This award is without prejudice to the rights of Marc V. Kalagian and/or the
22 Law Offices of Rohlfing & Kalagian, LLP to seek Social Security Act attorney
23
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25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the
2 EAJA.

3 DATE: December 18, 2020 Respectfully submitted,
4 ROHLFING & KALAGIAN, LLP

5 */s/ Marc V. Kalagian*

6 BY: _____
7 Marc V. Kalagian
Attorney for plaintiff
STEVE FLORREICH

8
9 DATED: December 18, 2020 McGREGOR W. SCOTT
United States Attorney

10
11 */s/ Daniel P. Talbert*

12 DANIEL P. TALBERT
13 Special Assistant United States Attorney
14 Attorneys for Defendant
ANDREW SAUL, Commissioner of Social
Security (Per e-mail authorization)

15
16
17 ORDER
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19 Approved and so ordered:

20 DATE: December 21, 2020

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22 ALLISON CLAIRE
23 UNITED STATES MAGISTRATE JUDGE
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